

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Case No. 22-cr-234 (KMM/TNL)

Plaintiff,

ORDER

v.

JUSTICE ANTHONY VALENTINO,

Defendant.

It appears from the Court’s review of the record that Mr. Valentino did not receive the full transcript of the proceedings, which occurred on November 8, 2022. Mr. Valentino was provided with a copy of the unsealed portion of that transcript, but not the sealed portion during which the Magistrate Judge, Mr. Valentino, and his counsel discussed his concerns about his representation outside the presence of the Assistant United States Attorney. The Clerk’s Office is Ordered to provide Mr. Valentino with a copy of that portion of the transcript. In addition, since Mr. Valentino has put this specific aspect of his attorney’s performance and his communications with his attorney at issue through his pending § 2255 petition, he has partially waived his attorney-client privilege. “Voluntary disclosure of attorney-client communications expressly waives the privilege.” *United States v. Hahn*, 58 F.4th 1009, 1012 (8th Cir. 2023) (quoting *United States v. Workman*, 138 F.3d 1261, 1263 (8th Cir. 1998)); *see also id.* (finding that because defendant “waived his attorney-client privilege on communications . . . the court did not err in allowing the testimony.”); *United States v. Davis*, 583 F.3d 1081, 1090 (8th Cir. 2009) (“[Defendant’s]

waiver extends to ‘any information directly related to that which was actually disclosed.’) (quoting 8 Charles A. Wright, Arthur R. Miller, *Federal Practice and Procedure* § 2016.2)). Therefore, the government may also be provided access to this transcript, should they choose to request one.

Within 30 days after Mr. Valentino receives the transcripts addressed by this Order, he may file a supplemental memorandum including any additional argument in support of his motion under 28 U.S.C. § 2255. Within 14 days after Mr. Valentino submits any supplemental memorandum, the government shall file a response or, alternatively, the government may file a letter indicating that it will not submit any additional argument.

Dated: November 18, 2024

s/Katherine M. Menendez
KATHERINE M. MENENDEZ
United States District Judge